

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT GENE MOORE, JR.,

Plaintiff,

v.

ANDREW SAUL, Commissioner of Social
Security,

Defendant.

Case No. 3:19-cv-00348-MMD-CLB

ORDER

Pro se Plaintiff Robert Moore, Jr. brings this action for judicial review with respect to the denial of his application for disability insurance benefits and supplemental security income pursuant to Titles II and XVI of the Social Security Act. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 18), recommending that Plaintiff’s motion for remand (ECF No. 15) be denied, Defendant’s motion to affirm (ECF No. 17) be granted, and that this case be closed. Plaintiff had until October 21, 2020 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and close this case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct *de novo* review, and is
4 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends Plaintiff’s
5 motion for remand be denied as substantial evidence supports the Administrative Law
6 Judge’s (“ALJ”) findings that Plaintiff’s alleged mental impairments were non-severe and
7 that the ALJ properly assessed Plaintiff’s alleged physical impairments in determining his
8 residual functional capacity. (ECF No. 18 at 8-14.) Accordingly, Judge Baldwin further
9 recommends that Defendant’s motion to affirm be granted. (*Id.* at 15.) The Court agrees
10 with Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will
11 adopt the R&R in full.


12 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
13 No. 18) is accepted and adopted in full.

14 It is further ordered that Plaintiff’s motion for remand (ECF No. 15) is denied.

15 It is further ordered that Defendant’s motion to affirm (ECF No. 17)¹ is granted.

16 The Clerk of Court is directed to enter judgment accordingly and to close this case.

17 DATED THIS 29th Day of March 2021.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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28 ¹The Court notes that ECF No. 17 was docketed as a response but it is titled as a
“motion for affirmance.” The Court will construe ECF No. 17 as Defendant’s motion to
affirm and grants the motion. (See *also* ECF No. 18 at 1-2, n.3.)